

REMARKS

Claims 1, 2, 4-6 and 8 stand are pending and at issue.

The undersigned wishes to thank Examiner Lipman for the courtesies extended today during a telephone interview initiated by the undersigned. A discussion of the possible interpretations of the previously presented claim language "comparing the sent data to the database, via the portable or hand-held computer" was held, together with possible amendments for clarifying the intended meaning of this language. The amendment to claims 1 and 2 submitted herewith was discussed and it was agreed that this would clarify Applicants' intended meaning, but would most likely raise new issues, thereby necessitating the Request for Continued Examination filed herewith. Also discussed were the intended meaning of the phrase "a database, which is maintained in a portable or hand-held computer having a display", together with the Examiner's proposed usage of the word "maintain" as applied to Houvener.

Independent claims 1 and 2 have been amended to recite "the portable or hand-held computer comparing the sent data to the database . . ." to clarify that the "comparing" recited in the claims is actually performed by the portable or hand-held computer. This overcomes an interpretation of the prior claim language that would allow for the data to be simply sent to another computer to be compared as in Houvener. Accordingly, it is believed that amended claims 1 and 2 and their dependent claim 4 recite steps that are not shown nor suggested in the prior art and are therefor allowable.

Independent claims 5 and 6 both recite a system "wherein the portable or hand-held computer is programmed to compare the sent data to the database". This structure is neither shown nor suggested in Houvener. Rather, as noted in the Office


Action, Houvener "sends the read data to be compared". See column 5, line 35 through column 6, line 49 of Houvener. Accordingly, unlike amended claims 1 and 2, an amendment to claims 5 and 6 is not believed to be necessary because the language as previously presented distinguishes over anything shown or suggested by Houvener.

The Office Action proposes an interpretation of the word "maintain" wherein the Houvener reference keeps "the database in good efficiency at least, and thus maintains it." It is respectfully submitted that this interpretation is not consistent with the context of the usage of the word "maintain" in the claims. More specifically, independent claims 1 and 2 both recite "a database, which is **maintained in** a portable or hand-held computer having a display" (emphasis added). The proposed usage of the word "maintain" as applied to Houvener is inconsistent with the phrase "maintained **in**" recited in the claims. While it might be fairly argued that the database in Houvener is "maintained **by**" the portable computers of Houvener, it cannot fairly be argued that the database in Houvener is "maintained **in**" the portable computers of Houvener because nothing is done within Houvener to the database. In view of the foregoing, Applicants respectfully request reconsideration of the rejections and allowance of the case.

Respectfully submitted,

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